

REMARKS/ARGUMENTS

The Examiner's attention to the present application is noted with appreciation.

The Examiner rejected claims 1, 19-20, 22-23, and 30-31 under 35 U.S.C. § 102(b) as being anticipated by Ducourtieux *et al.* Applicant assumes the Examiner also so rejects claims 59-60. Applicant notes that the stated claims in the present application derive priority from Provisional Patent Application S/N 60/233,804, filed 9/19/00. Applicant further notes that the year of publication of Ducourtieux *et al.* is 2000. Applicant thus respectfully submits that rejection under 35 U.S.C. § 102(b) is improper since the publication of Ducourtieux *et al.* is less than one year prior to the effective filing date of the present application.

The Examiner also rejected claims 1, 19-20, 22-23, 30-31, 43-44, and 59-60 under 35 U.S.C. § 102(b) as being anticipated by Shalaev. Applicant assumes the Examiner also so rejects claims 46-47. Applicant notes that the stated claims in the present application derive priority from Provisional Patent Application S/N 60/233,804, filed 9/19/00. Applicant further notes that the month and year of publication of Shalaev is December 1999. Applicant thus respectfully submits that rejection under 35 U.S.C. § 102(b) is improper since the publication of Shalaev is less than one year prior to the effective filing date of the present application.

The Examiner also rejected claims 14-18, 21, 24, 27, 36-42, 45, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Shalaev.

The Applicant would not agree with the arguments presented by Examiner even if the above mentioned references were proper; however, the Applicant submits that both references are improperly cited.

Submitted herewith is a declaration by inventor V. Shalaev under 37 CFR 1.132 stating that he conceived and invented any claimed subject matter disclosed in the Shalaev reference cited above (of which he is the sole author). This is sufficient to overcome both a § 102(a) rejection and the § 103(a) rejection over the Shalaev reference.

Also submitted herewith is a joint declaration of inventors Ying and Shalaev under 37 CFR 1.132 stating that they conceived and invented any claimed subject matter disclosed in the Ducourtieux *et al.* reference cited above. This reference is concerned primarily with the preparation and measurement of semicontinuous films, and not devices made therefrom, nor their use in an optically enhancing material, hence the large number of authors who are not inventors in the present application. This is sufficient to overcome a 102(a) rejection citing Ducourtieux *et al.*

In view of the above amendments and remarks, and the declarations submitted herewith, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

A check is attached for the additional claims fee. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

Respectfully submitted,

By:



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